



P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
**Beger, et al.** )  
)  
Application No.: **10/763,961** )  
)  
Filed: **January 23, 2004** )  
)  
For: **LOCKING MECHANISM FOR A BONE SCREW** )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 23, 2004.

By: Carol Prentice  
Carol Prentice

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with 37 C.F.R. §1.56, Applicants wish to call the attention of the Examiner to the following references:

U.S. PATENT(S) :

<u>Patent No.</u>	<u>Patentee</u>	<u>Date of Issue</u>
5,275,601	Gogolewski et al.	Jan 04, 1994
5,578,034	Estes	Nov 26, 1996
5,713,900	Benzel et al.	Feb 03, 1998
5,735,853	Olerud	Apr 07, 1998
5,843,082	Yuan et al.	Dec 01, 1998
6,197,028	Ray et al.	Mar 06, 2001
6,206,879	Marnay et al.	Mar 27, 2001
6,241,731	Fiz	Jun 05, 2001
6,331,179	Freid et al.	Dec 18, 2001

**Application No. : 10/763,961**

**Page 2**

2002/0058940	Frigg et al.	May 16, 2002
6,575,975	Brace et al.	Jun 10, 2003
6,602,255	Campbell et al.	Aug 05, 2003
6,605,090	Trieu et al.	Aug 12, 2003
2003/0187438	Assaker et al.	Oct 02, 2003

**FOREIGN PATENT DOCUMENT(S) :**

<b><u>Country</u></b>	<b><u>No.</u></b>	<b><u>Date of Publication</u></b>
EPO	0 599 640	Jun 01, 1994
International	96/08206	Mar 21, 1996
International	96/39975	Dec 19, 1996
International	97/19646	Jun 05, 1997
International	97/20513	Jun 12, 1997
International	97/22306	Jun 26, 1997
International	98/51226	Nov 19, 1998
France	2 766 353	Jan 29, 1999

**PUBLICATION(S) :**

Advertisement for Profile Compression Plate, Depuy Motech, Inc., 1998 (2 pages).

Information regarding the VentroFix implant by Synthes - 4 pages. (Although the date of publication of this information is unknown by Applicants, it is Applicants' understanding that the Ventrofix product was available before Applicants' priority date).

An English language abstract is attached to the enclosed copy of FR 2 766 353.

Copies of the above-listed foreign and non-patent references are enclosed, together with a completed form PTO-1449.

This Information Disclosure Statement is being filed within three months of the filing date of the subject patent application, and therefore no fee is due.

Consideration of these references by the Examiner is respectfully requested.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,



**Date: April 23, 2004**  
**ATTORNEY DOCKET NO.: HOE-593.1**

---

Barry R. Lipsitz  
Attorney for Applicant(s)  
Registration No. 28,637  
755 Main Street, Bldg. 8  
Monroe, CT 06468  
(203) 459-0200

FORM PTO-1449

APR 26 2004

ATTY. DOCKET NO.: HOE-593.1

SERIAL NO.:  
10/763,961

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

APPLICANT(S): Beger, et al.

FILING DATE: January 23, 2004

GROUP:

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	5,275,601	01/04/1994	Gogolewski et al.			
	AB	5,578,034	11/26/1996	Estes			
	AC	5,713,900	02/03/1998	Benzel et al.			
	AD	5,735,853	04/07/1998	Olerud			
	AE	5,843,082	12/01/1998	Yuan et al.			
	AF	6,197,028	03/06/2001	Ray et al.			
	AG	6,206,879	03/27/2001	Marnay et al.			
	AH	6,241,731	06/05/2001	Fiz			
	AI	6,331,179	12/18/2001	Freid et al.			
	AJ	2002/0058940	05/16/2002	Frigg et al.			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANS- LATION YES NO
	AK	0 599 640	06/01/1994	EPO			
	AL	96/08206	03/21/1996	International			
	AM	96/39975	12/19/1996	International			
	AN	97/19646	06/05/1997	International			
	AO	97/20513	06/12/1997	International			
	AP	97/22306	06/26/1997	International			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	AQ	Advertisement for Profile Compression Plate, Depuy Motech, Inc., 1998 (2 pages).
	AR	Information regarding the VestroFix implant by Synthes. Although the date of publication of this information is unknown by Applicants, it is Applicants' understanding that the Vestrofix product was available before Applicants' priority date (4 pages).

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

